

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Plaintiff,

Case No. 12-11500

v.

Hon. John Corbett O'Meara
Magistrate Judge David R. Grand

PHYSIOMATRIX, INC., *et al.*,

Defendants.

**ORDER OVERRULING OBJECTIONS TO ORDERS
REGARDING DISCOVERY SANCTIONS**

Before the court are Defendants' objections to Magistrate Judge David R. Grand's orders granting discovery sanctions and requiring the forensic search of Defendants' computers. See Docket Nos. 259, 260. Plaintiff filed a response to Defendant's objections on April 17, 2014.

Magistrate Judge Grand entered an order holding Docket No. 260 in abeyance unless the parties sought to re-open the matter by April 18, 2014. It does not appear from the record that the parties have sought to re-open the issue; accordingly, it appears that Defendants' objections regarding Docket No. 260 are moot.

With respect to Docket No. 259, which orders significant sanctions for Defendants' spoliation of evidence, the court may modify or set aside any portion that is "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A). See also Fed. R. Civ.

P. 72(a). “A finding is ‘clearly erroneous’ when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” Anderson v. City of Bessemer City, 470 U.S. 564, 573 (1985) (quoting United States v. U. S. Gypsum Co., 333 U.S. 364, 395 (1948)). The court may not disturb the magistrate’s factual findings “even though convinced that had it been sitting as the trier of fact, it would have weighed the evidence differently.” Id. The court allows the magistrate’s legal conclusions to stand unless they are “contrary to law.” Gandee v. Glaser, 785 F. Supp. 684, 686 (S.D. Ohio 1992) aff’d, 19 F.3d 1432 (6th Cir. 1994).

Having reviewed the parties’ submissions, the underlying motion papers, and Magistrate Judge Grand’s thorough and well-reasoned order, the court finds that Magistrate Judge Grand’s decisions are not clearly erroneous or contrary to law.

Accordingly, IT IS HEREBY ORDERED that Defendants’ objections to Magistrate Judge Grand’s orders (Docket Nos. 259 and 260) are OVERRULED.

s/John Corbett O’Meara
United States District Judge

Date: May 6, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, May 6, 2014, using the ECF system.

s/William Barkholz
Case Manager